

House Study Bill 657

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE, REGULATION
AND LABOR BY
CHAIRPERSON JENKINS)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring notification and safety precautions be taken
2 prior to commencement of work in the vicinity of high-voltage
3 lines, and providing for liability, penalties, and an
4 effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5600HC 80
7 da/sh/8

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1 1 Section 1. NEW SECTION. 480B.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "High-voltage" means voltage in excess of seven hundred
1 5 fifty volts, measured between conductors or between a
1 6 conductor and the ground.
1 7 2. "Notice" means actual notice given to the statewide
1 8 notification center designated in section 480B.2, by
1 9 telephonic, written, electronic, oral, or other accepted form
1 10 pursuant to the requirements of sections 480B.4 and 480B.5,
1 11 and procedures developed in accordance with those provisions.
1 12 3. "Notification center" means the person that receives
1 13 notifications regarding work to be performed and that
1 14 distributes such notifications to the operator, as provided in
1 15 section 480B.2.
1 16 4. "Operator" means a person that owns, operates, or
1 17 maintains high-voltage overhead lines within the state.
1 18 5. "Overhead line" means all bare or insulated electrical
1 19 conductors installed aboveground.
1 20 6. "Person responsible for the work" means an individual
1 21 who actually performs the work as well as a person that
1 22 employs and carries on the payroll an individual or
1 23 subcontractor that actually does the work.
1 24 7. "Work" means the act of performing or preparing to
1 25 perform an activity under, over, by, or near high-voltage
1 26 overhead lines, subject to the clearance requirements of
1 27 section 480B.4.
1 28 Sec. 2. NEW SECTION. 480B.2 NOTIFICATION CENTER.
1 29 1. The statewide notification center established in
1 30 section 480.3 shall operate and serve as the notification
1 31 center for work within the vicinity of high-voltage overhead
1 32 lines under this chapter. All provisions of section 480.3
1 33 shall apply to operators and other persons under this chapter.
1 34 2. The notification center shall establish all of the
1 35 following:
2 1 a. A toll-free telephone number to allow a person
2 2 responsible for the work to provide the notice required
2 3 pursuant to section 480B.5.
2 4 b. Regular business hours of days which shall exclude
2 5 Saturdays, Sundays, and legal holidays.
2 6 c. Procedures, methods, and communication formats for
2 7 receiving notice by persons under section 480B.5, and
2 8 procedures, methods, and communication formats for contacting
2 9 operators as provided in section 480B.5.
2 10 Sec. 3. NEW SECTION. 480B.3 APPLICABILITY.
2 11 The notification requirements of this chapter shall not
2 12 apply to any of the following:
2 13 1. An employee or contractor of an operator that produces,
2 14 transmits, or delivers electricity.
2 15 2. An employee of an operator that provides and whose work
2 16 relates to communication services, or state, county, or
2 17 municipal agencies that have authorized circuit construction
2 18 on or near the poles or structures of an operator.
2 19 3. An employee of an industrial plant whose work relates

2 20 to the electrical system of the industrial plant.
2 21 4. An employee of a cable television or communication
2 22 services company or an employee of a contractor of a cable
2 23 television or communication services company if specifically
2 24 authorized by the operator to make cable television or
2 25 communication services attachments pursuant to written
2 26 agreement.
2 27 5. An employee or agent of a state, county, or municipal
2 28 agency that has or whose work relates to overhead lines or
2 29 circuit construction or conductors on poles or structures of
2 30 any type.
2 31 Sec. 4. NEW SECTION. 480B.4 WORK NEAR OVERHEAD LINE ==
2 32 SAFETY RESTRICTIONS.
2 33 1. A person responsible for the work shall not commence
2 34 work upon any land, building, highway, or other premises until
2 35 all of the following requirements are met:
3 1 a. The operator has taken steps that the operator deems
3 2 appropriate to minimize the possibility of an accidental
3 3 contact with a high-voltage overhead line, if it is reasonably
3 4 foreseeable that at any time during the performance of the
3 5 work, any person or any item may come within the clearance
3 6 requirements set forth in this section.
3 7 b. The person responsible for the work has given the
3 8 notice in the time and form required by section 480B.5, if it
3 9 is reasonably foreseeable that at any time during the
3 10 performance of the work, any person or any item may come
3 11 within the clearance requirements set forth in this section.
3 12 2. For purposes of this section, the clearance
3 13 requirements shall be as follows:
3 14 a. For a high-voltage overhead line rated fifty kilovolts
3 15 or less, ten feet of clearance.
3 16 b. For a high-voltage overhead line rated over fifty
3 17 kilovolts, ten feet plus four-tenths of an inch for each
3 18 kilovolt in excess of fifty kilovolts.
3 19 Sec. 5. NEW SECTION. 480B.5 NOTIFICATION.
3 20 1. Prior to commencing work upon any land, building,
3 21 highway, or other premises, a person responsible for the work
3 22 shall give notice at least forty-eight hours in advance to the
3 23 notification center during its regular business hours,
3 24 excluding Saturdays, Sundays, and legal holidays, if it is
3 25 reasonably foreseeable that at any time during the performance
3 26 of the work, any person or any item may come within the
3 27 clearance requirements set forth in section 480B.4.
3 28 2. Notice provided by a person responsible for the work
3 29 pursuant to this section for a location within a city shall
3 30 include all of the following information:
3 31 a. A street address or block and lot numbers, or both, of
3 32 the area where the work will be performed.
3 33 b. The name and address of the person responsible for the
3 34 work and its contact person.
3 35 c. The telephone number of the person responsible for the
4 1 work and its contact person.
4 2 d. The type and extent of the proposed work.
4 3 e. The date and time when the work is scheduled to begin.
4 4 f. If known, the name of the housing development and
4 5 property owners.
4 6 3. Notice provided by a person responsible for the work
4 7 pursuant to this section for a location outside a city shall
4 8 include the following information:
4 9 a. The name of the county, township, range, and section.
4 10 b. The name and address of the person responsible for the
4 11 work and its contact person.
4 12 c. The telephone number of the person responsible for the
4 13 work and its contact person.
4 14 d. The type and extent of the proposed work.
4 15 e. The date and time when the work is scheduled to begin.
4 16 f. If known, the quarter section, E911 address and global
4 17 positioning system coordinate, name of property owner, name of
4 18 housing development with street address or block and lot
4 19 numbers, or both.
4 20 4. a. After receipt of the notice required by this
4 21 section, the notification center shall immediately contact the
4 22 operator, which shall, in turn, contact the person responsible
4 23 for the work within forty-eight hours, excluding Saturdays,
4 24 Sundays, and legal holidays, so that appropriate satisfactory
4 25 arrangements can be made for the completion of safety
4 26 precautions, including coordination of work schedules and
4 27 payment of costs required to effect such safety precautions.
4 28 Upon completion of such arrangements, the operator shall
4 29 effect such safety precautions within a reasonable time.
4 30 b. If, after appropriate safety arrangements are made, a

4 31 delay in commencing the work is encountered, the person
4 32 responsible for the work shall give a new notice in the same
4 33 manner as an original notice provided in this section.
4 34 5. The person responsible for the work shall assure that
4 35 the safety requirements of section 480B.4 are met prior to the
5 1 commencement of any such work.

5 2 Sec. 6. NEW SECTION. 480B.6 LIABILITY.

5 3 1. A person responsible for the work that violates the
5 4 requirements of section 480B.4 or 480B.5 and whose subsequent
5 5 work within the vicinity of high-voltage overhead lines result
5 6 in damage to operator facilities or in injury, death, or
5 7 damage to a person or property shall be held strictly liable.

5 8 2. A person responsible for the work that violates the
5 9 requirements of section 480B.4 or 480B.5 and whose subsequent
5 10 work within the vicinity of high-voltage overhead lines result
5 11 in damage to operator facilities or in injury, death, or
5 12 damage to a person or property shall also indemnify the
5 13 operator against all claims, and claims of third parties,
5 14 including but not limited to claims for personal injury,
5 15 death, property damage, service interruptions, and attorney
5 16 fees and costs incurred in defending any such claims resulting
5 17 from work in violation of section 480B.4 or 480B.5.

5 18 Sec. 7. NEW SECTION. 480B.7 VIOLATION.

5 19 1. A person responsible for the work that violates a
5 20 provision of this chapter shall be subject to a civil penalty
5 21 in an amount not to exceed one thousand dollars for each
5 22 violation up to a maximum of twenty thousand dollars. Each
5 23 day that each violation continues shall be considered a
5 24 separate offense.

5 25 2. The attorney general, upon the receipt of a complaint,
5 26 may institute legal proceedings as necessary to enforce the
5 27 civil penalty provided for in this section.

5 28 3. Moneys collected from civil penalties shall be remitted
5 29 to the treasurer of state for deposit in the general fund of
5 30 the state.

5 31 Sec. 8. NEW SECTION. 480B.8 INJUNCTION OR OTHER RELIEF.

5 32 An affected person may make application to the district
5 33 court for injunctive or other relief for any violation of this
5 34 chapter.

5 35 Sec. 9. EFFECTIVE DATE. This Act takes effect January 1,
6 1 2005.

6 2 EXPLANATION

6 3 This bill creates new chapter 480B, relating to
6 4 notification of proposed work in the vicinity of aboveground
6 5 high-voltage power lines. The bill utilizes the existing
6 6 state notification center created in Code chapter 480 for
6 7 underground excavations, commonly referred to as "one-call",
6 8 and references the applicable provisions in Code section 480.3
6 9 regarding the center. The center is directed to establish a
6 10 toll-free phone number, regular business hours, and procedures
6 11 regarding notifications. Pursuant to the provisions of Code
6 12 section 480.3, operators must share in the cost of the
6 13 operation of the center.

6 14 Certain categories of individuals are expressly exempted
6 15 from the notification requirements of the chapter, such as
6 16 employees and contractors of operators which produce,
6 17 transmit, or deliver electricity; employees of communications
6 18 services; employees of industrial plants whose work relates to
6 19 the electrical system of the plant; and certain government
6 20 workers.

6 21 The bill provides that a person responsible for the work
6 22 shall not begin until meeting two requirements: (1) taking
6 23 steps to minimize accidental contact with a high-voltage line,
6 24 if it is reasonably foreseeable that a person or item may come
6 25 within the clearance requirements during the performance of
6 26 the work; and (2) notification to the state one-call center
6 27 (at least 48 hours in advance of beginning work) if it is
6 28 reasonably foreseeable that a person or item may come within
6 29 the clearance requirements during the performance of the work.
6 30 The bill also sets forth standards for clearance requirements.

6 31 The bill provides specific time requirements and content of
6 32 notification. The bill also requires the one-call center to
6 33 contact the operator after the center has received notice of
6 34 work to be done, and provides for a new notice to be issued if
6 35 the work is delayed. The bill designates that the person

7 1 responsible for the work is responsible for making sure that
7 2 the safety requirements are met before the work commences.

7 3 The bill provides that principles of strict liability apply
7 4 to a person responsible for the work who violates the bill's
7 5 provisions, and where the work results in damage to person or
7 6 property or in injury or death. In addition, such a person

7 7 must also indemnify an operator against all third=party
7 8 claims.

7 9 The bill further provides that a person responsible for the
7 10 work who violates its provisions is subject to a civil penalty
7 11 of up to \$1,000 for each violation, up to a maximum of
7 12 \$20,000. Each day the violation continues is considered a
7 13 separate offense. The attorney general may institute
7 14 proceedings to enforce the civil penalty provisions upon
7 15 receipt of a complaint; any moneys collected are deposited in
7 16 the general fund of the state.

7 17 The bill also provides that injunctive relief is available
7 18 to any affected person for a violation of the bill's
7 19 provisions.

7 20 The bill takes effect January 1, 2005.

7 21 LSB 5600HC 80

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